

INDIANAPOLIS DEPARTMENT OF WATERWORKS
BOARD OF DIRECTORS

RESOLUTION NO. 4, 2005

RESOLUTION APPROVAL OF TRANSFER OF CERTAIN REAL ESTATE TO THE
BOARD OF COMMISSIONERS OF HAMILTON COUNTY

WHEREAS, the Board of Commissioners of Hamilton County (the "Commissioners") desire certain property owned by the Department of Waterworks (the "Department") as set forth in Exhibit A, attached hereto and incorporated herein by reference (the "Property");

WHEREAS, pursuant to the Indiana Code, the Commissioners have offered the Department Six Thousand Seven Hundred Fifty-seven and 03/100 (\$6,757.03) to purchase the Property (the "Offer");

WHEREAS, pursuant to the Indiana Code 36-1-11-8, the Board of Directors (the "Board") may transfer an interest in property to the Commissioners for no consideration or on other terms agreed upon by the parties where the entities adopt a resolution to recognize the transfer;

WHEREAS, the Commissioners intend to use the Property to make road improvements;

WHEREAS, the Department's staff has determined it is in the best interests for the Department for the Board to accept the Offer and transfer the Property to the Commissioners; and

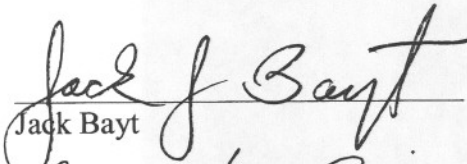
NOW, THEREFORE, BE IT RESOLVED by the Board that it hereby approves the transfer of the Property as set forth in the Offer.

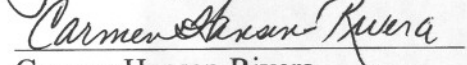
BE IT FURTHER RESOLVED by the Board that the Director of Contracts and Operations of the Department, the Controller's Office and the Office of Corporation Counsel, jointly or singly as appropriate, are hereby authorized and directed: (i) to prepare, execute and deliver each and every other document, certificate, instrument, agreement or affidavit as may be necessary, convenient or proper to effectuate the intent and purposes of the Offer, as appropriate; (ii) to prepare, execute and deliver each and every document, certificate, instrument, agreement or affidavit as may be necessary, convenient or proper to effectuate the intent and purposes of these resolutions, as appropriate; and (iii) to take any and all such additional action as may be necessary, convenient or proper to effectuate the intent and purposes of these resolutions.

BE IT FURTHER RESOLVED by the Board that it ratifies any and all actions of the Director of Contracts and Operations, the Controller's Office and the Office of Corporation Counsel previously undertaken as may have been necessary, convenient or proper to effectuate the intent and purposes of these resolutions.

ADOPTED during a meeting of the Board this 20th day of January 2005.

**CONSOLIDATED CITY OF INDIANAPOLIS,
DEPARTMENT OF WATERWORKS,
BOARD OF DIRECTORS**

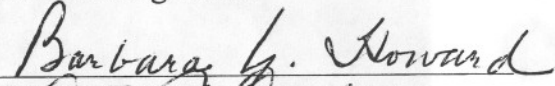


Jack Bayt


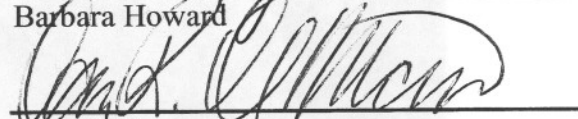
Carmen Hansen-Rivera

Samuel L. Odle

Beulah Coughenour

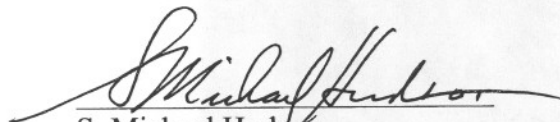


Barbara Howard



Dan DeMars

Attest:



S. Michael Hudson,
Secretary-Treasurer

MICHAEL A. HOWARD
Attorney at Law
694 Logan Street
Noblesville, Indiana 46060
(317) 773-4212 Fax (317) 776-2369

December 28, 2004

Consolidate City of Indianapolis
c/o Andrew I. Klineman
General Counsel
City of Indianapolis
Department of Waterworks
1601 City County Building
200 East Washington Street
Indianapolis, IN 46204

LAND ACQUISITION OFFER

Hamilton County (hereinafter referred to as "the County") needs a portion of the real estate which was acquired by the City of Indianapolis pursuant to a Corporate Warranty Deed from the Indianapolis Water Company dated April 30, 2002, and recorded as Instrument 200200032489 in the Office of the Hamilton County Recorder. The real estate needed ("the Right of Way") is needed to improve Hamilton County Bridge 191 which carries Olio Road over Geist Reservoir.

The Right of Way to be acquired is described as Parcel 1 in the attached Exhibit A, is shown on Exhibit B, and contains a total of 2.029 acres. Of said acreage, .269 acres or a strip twenty (20) feet in width is under pavement and is, therefore, within existing right of way. See Elder v. Board of Commissioners of Clark County, 490 N.E.2d, 696 (1981).

It is our opinion that the fair market value of the property is 3,839.22 per acre or a total of Six Thousand Seven Hundred Fifty-seven Dollars and Three Cents (\$6,757.03) for the new 1.76 acres of right of way. Therefore, the County offers you Six Thousand Seven

Hundred Fifty-seven Dollars and Three Cents (\$6,757.03). If you accept this offer, you may expect payment in full within forty (40) days after accepting this offer and executing a Quit Claim Deed. Possession will be required after you have received your payment.

While we believe the County has a right to acquire this land involuntarily, we agree that a sale under Indiana Code 36-1-11-8 is preferable. We have, therefore, agreed to the sale price of Six Thousand Seven Hundred Fifty-seven Dollars and Three Cents (\$6,757.03) per acre contained in your e-mail of November 8, 2004.

By: 

Michael A. Howard
Attorney for Hamilton County
694 Logan Street
Noblesville, IN 46060
(317) 773-4212

If the City decide to accept the offer of Six Thousand Seven Hundred Fifty-seven Dollars and Three Cents (\$6,757.03), sign your name below and mail this form to the address indicated above. An additional copy of this offer has been provided for your file.

ACCEPTANCE OF OFFER

I, Andrew I. Klineman, General Counsel, City of Indianapolis, Department of Waterworks, 1601 City County Building, 200 East Washington Street, Indianapolis, Indiana 46204, hereby accept the offer of Six Thousand Seven Hundred Fifty-seven Dollars and Three Cents (\$6,757.03) made by the City of Noblesville on this _____ day of January, 2005. I further represent that all approvals necessary for the City to accept the above offer and complete the sale of the Right of Way by the City have been completed.

Andrew I. Klineman
General Counsel
City of Indianapolis
Department of Waterworks

EXHIBIT "A"

Project: BRO-9929()
Hamilton County Bridge 191
Parcel: 1 Fee

Sheet 1 of 1

A part of the Section 1, Township 17 North, Range 5 East, Hamilton County, Indiana, and being that part of the grantor's land lying within the right of way lines depicted on the attached Right of Way Parcel Plat, marked EXHIBIT "B", described as follows: Beginning at a point on the centerline of Olio Road, which point of beginning is Station 301+93.07, 23.59 feet Left, Line "A" of the above-designated project; thence North 0 degrees 38 minutes 04 seconds West 858.32 feet along said centerline; thence North 1 degree 46 minutes 23 seconds East 64.81 feet along said centerline to the shore line of Geist Reservoir as established when said Reservoir is full (with the water level along the meandering shore line being at an elevation of 785.0 feet above mean sea level, as described in Instrument Number 200200032489 in the Office of the Recorder of Hamilton County, Indiana); thence Northeasterly along the meandering shore line 116.00 feet; thence South 0 degrees 50 minutes 01 second East 1,295.04 feet to the shore line of said Geist Reservoir designated as point "102" on said plat; thence Westerly and North 308.11 feet along the meandering of said shore line; thence South 89 degrees 21 minutes 56 seconds West 40.00 feet to the point of beginning and containing 2.029 acres, more or less, inclusive of the presently existing right-of-way which contains 0.745 acres, more or less, for a net additional taking of 1.284 acres, more or less.

Subject to all easements and rights of way of record.

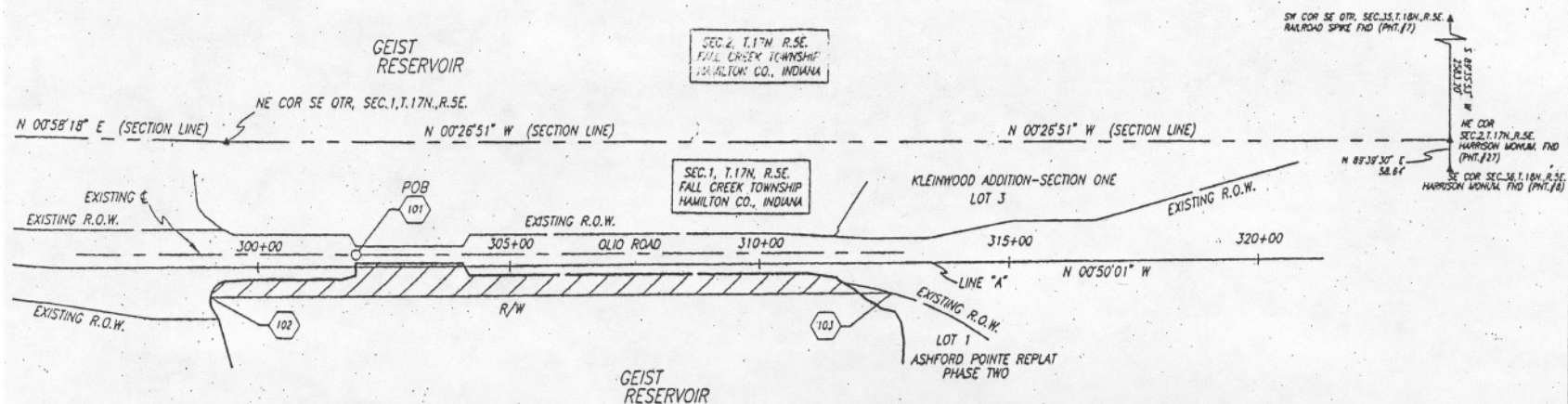
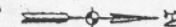
This description was prepared for The Board of Commissioners, Hamilton County,
Indiana by William D. Richter, Indiana Registered Land Surveyor, License
Number 910022, on the 22nd day of January, 2004.



EXHIBIT A

EXHIBIT "B"
RIGHT-OF-WAY PARCEL PLAT
 Prepared for The Board of Commissioners, Hamilton County, Indiana
 by United Consulting Engineers & Architects, Inc. (Job No. 01-406)

SCALE: 1" = 200'



PARCEL COORDINATE CHART

Point	Northing	Easting	Line	Station	Offset
101	1712795.5145	257625.6153	"A"	301+93.07	23.59' LT.
102	1712509.2371	257713.3842	"A"	+E(+299+05.55)	60' RT.
103	1713869.8533	257693.5863	"A"	+E(+312+66.31)	60' RT.

NOTE: STATIONS & OFFSETS CONTROL OVER BOTH NORTH & EAST COORDINATES AND BEARINGS & DISTANCES.

SURVEYOR'S STATEMENT

To the best of my knowledge and belief, this plat, together with the "Location Control Route Survey" recorded as Instrument No. 200200052142 in the Office of the Recorder of Hamilton County Indiana, (incorporated and made a part hereof by reference) comprise a Route Survey executed in accordance with Indiana Administrative Code 865 IAC 1-12, ("Rule 12").

Given under my hand and seal 1/22/2002

WILLIAM D. RICHTER
 Registered Land Surveyor No. 910022
 State of Indiana



OWNER : CONSOLIDATED CITY OF INDIANAPOLIS, MARION COUNTY, INDIANA
 PARCEL : 1
 CODE :
 PROJECT : BRO-9929()
 ROAD : OLIVO ROAD
 COUNTY : HAMILTON
 SECTION : 1
 TOWNSHIP : 17N.
 RANGE : 5E.

DRAWN BY: R. P. KORNAUS 1-7-04
 CHECKED BY: T. J. COOMES

INSTRUMENT NO. 200200032489, DATED 4-30-02

Dimensions shown are from the above listed Record Documents.

HATCHED AREA IS THE APPROXIMATE TAKING